

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

WILLIAM LEAK,  
Plaintiff,

CIVIL ACTION

v.

SUPERINTENDENT MICHAEL CLARK,  
et al.,  
Defendants.

NO. 17-2608

**ORDER**

AND NOW, this 27th day of July, 2020, upon careful and independent consideration of the Amended Petition for Writ of Habeas Corpus (ECF No. 50), and after review of the Report and Recommendation of United States Magistrate Judge Timothy R. Rice (ECF No. 66) and Petitioner's Objections thereto (ECF No. 76), **IT IS HERBEY ORDERED** as follows:

1. The Report and Recommendation is **APPROVED** and **ADOPTED**;
2. The Amended Petition for Writ of Habeas Corpus is **DENIED** with prejudice;
3. There is no probable cause to issue a certificate of appealability; and
4. The Clerk of the Court **SHALL MARK** this case closed for statistical purposes.

Upon consideration of Petitioner's Motions to Compel (ECF Nos. 78 & 79), **IT IS FURTHER ORDERED** that Petitioner's Motions are **DENIED**.<sup>1</sup>

**BY THE COURT:**

/s/Wendy Beetlestone, J.

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**WENDY BEETLESTONE, J.**

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<sup>1</sup> Petitioner filed these motions *pro se*, seeking to compel his counsel to investigate and brief additional issues. It is well established that legal strategy is determined by the attorney, not the client. *See, e.g., Gov't of V.I. v. Weatherwax*, 77 F.3d 1425, 1433-34 (3d Cir. 1996) (recognizing counsel's ultimate authority to make strategic decisions regarding motions and defenses). The Motions are therefore denied.